

Date: Jan. 1999, revised Jan. 15, 2003, rev. Nov. 9, 2009
To: Arden Leaseholder
From: Trustees of Arden
Re: **Non-conforming lots** (size and use of land)

The Village of Arden currently carries a NC-10 zoning designation by the New Castle County Department of Land Use. This designation states that a legal (conforming) lot is no less than 10,000 sq. ft. and usage of improvements is restricted to one single-family residential domicile. Clearly, many of Arden leaseholds fall safely into this category; however, for a number of reasons, we also have lots that are not legal under the NC-10 designation. Our primary concern in alerting you to this is that you may be under the impression that your lot is legal; however, it may not be.

Examples of leaseholds which would be **non-conforming** are as follows:

☐ **Grandfathered lots**

A lot that is less than 10,000 sq.ft in size is grandfathered. If your lot was less than 10,000 sq.ft. prior to the institution of zoning in 1954, you do not have a problem relating to size because the lot automatically was granted legal status; however, you will have a problem if you choose to enlarge current improvements or add some improvement if it would encroach on the "set back lines" currently delineated for construction on a NC-10 designated lot.

☐ **Extra domicile**

A number of Arden leaseholds contain more than one residential domicile, referred to by the County as Accessory Dwelling Units (ADU). A domicile is defined as any independent living facility that contains a kitchen with permanent cooking facilities, i.e. a stove. Example: A building containing two separate living units with separate kitchen has one ADU as does two separate buildings on one lot that are used as independent residences.

If you have an ADU, your lot must have a Certificate of Non-conformity from New Castle County or it is not legal under current zoning. The Trustees and the County have all official Arden ADUs on file.

☐ **Home occupation**

Leaseholds where certain types of businesses or home occupations are in existence may be illegal or non-conforming if County code is not followed.

☐ **Encroachment**

A leasehold where improvements (i.e. buildings or structures) encroach on the "set back lines" delineated for the location of construction in relation to the lot lines.

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How does this impact your leasehold? If your leasehold does not have a legal NC-10 designation (10,000 sq.ft. lot with one single-family residential domicile) and does not have a "Certificate of Non-conforming Status" (pursuant to Section 8.310, Article 8 of the New Castle County Unified Development Code), or a variance from the county that addresses the specific usage, you may have difficulties in any future transfer or sale of your lease. Additional problems could arise should you choose to expand the usage of the building(s) or seek a bank loan.

If you have any questions for the County, write or call the New Castle County Land Use Department at 87 Reads Way, New Castle, DE 19720, (302) 395-5400. Using the County Parcel Number on your Land Rent bill, ask what the record is for your leasehold. If the county does not have your lot on record as legally non-conforming, we encourage you to take the necessary steps to rectify the situation with the County. If you have already established legal non-conformity, keep your records relating to the usage up to date.

If you have any questions for the Trustees, please contact the Trustees Office, Assistant to the Trustees, Julie McNeil, by calling (302) 475-7980, by writing the Trustees Office, 2119 The Highway, Arden, DE 19810, or by contacting our office via e-mail Trustees.of.Arden@gmail.com.

Sincerely,
Trustees of Arden


Connee McKinney


Mike Curtis


S. Carl Falco